

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

UNITED STATES OF AMERICA	:	
	:	
<i>Plaintiff,</i>	:	
	:	
	:	Civil Action No. 2:25-cv-00034
v.	:	
	:	
HOWARD HOLZMACHER, Jr., and	:	
NORTH LANDING FIREWOOD &	:	
HAULING, INC.,	:	
	:	
<i>Defendants.</i>	:	

**DEFENDANTS' NOTICE OF WITHDRAWAL OF MOTION TO DISMISS**

Howard Holzmacher, Jr., and North Landing Firewood & Hauling, Inc. (collectively “Defendants”), by counsel, provide Notice of the following:

On April 15, 2025, Defendants filed a Consent Motion requesting an extension of time in which to file responsive pleadings [ECF 13]. On April 16, 2025, the Court granted the motion for extension of time, setting May 19, 2025, as the date by which Defendants were required to file responsive pleadings [ECF 14].

On May 15, 2025, the Plaintiff United States of America (“the government”) filed an Unopposed Motion to Stay the Responsive Pleading Deadline and Hold the Case in Abeyance. [ECFs 15 and 16].

On the afternoon of May 19, 2025, out of an abundance of caution, Defendants filed their responsive pleadings as a Motion to Dismiss for Failure to State and Claim and Lack of Subject Matter Jurisdiction, and Memorandum in Support of the same [ECFs 18 and 19].

Later that afternoon, the Court granted the government's motion to stay the responsive pleadings and placed the case in abeyance until June 14, 2025 [ECF 20].

Accordingly, because the case is now stayed and no responsive pleadings are required at this time, Defendants respectfully withdraw the Motion to Dismiss [ECFs 18 and 19] until the case is taken out of abeyance and a new date for responsive pleadings is set by the Court.

Respectfully Submitted,

**HOWARD HOLZMACHER, Jr., and  
NORTH LANDING FIREWOOD &  
HAULING, INC.,**

By: /s/ Bryan S. Peeples  
Bryan S. Peeples (VSB# 93709)  
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*Counsel for the Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of May, 2025, I filed the foregoing Notice of Withdrawal of Motion to Dismiss with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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